



**TOWN OF AMHERST  
KEG LICENSE**

To the Licensing Authorities:

Date: \_\_\_\_\_

The undersigned hereby applies for a Short-Term Keg License in accordance with the provisions of the Town of Amherst Keg Licensing Bylaw:

NAME: \_\_\_\_\_

Resident Homeowner or Resident Leasee (Nontransferable)

DATE OF BIRTH: \_\_\_\_\_ SOCIAL SECURITY NO. : \_\_\_\_\_

(or Passport No.)

PROOF OF IDENTIFICATION USED: \_\_\_\_\_

Must be a valid photo identification

RESIDENCE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

TERM: \_\_\_\_\_ No. of Kegs: \_\_\_\_\_

(Date of Event)

PREMISES TO BE LICENSED: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

(If licensee does not reside at premises to be licensed)

**RESTRICTIONS ON SHORT-TERM KEG LICENSES**

1. Licensee must be 21 years of age or older.
2. The term of the license shall be determined by the Police Chief.
3. Only the licensed number of keg(s) shall be kept on the premises.
4. License must be available for inspection at all times.

**LIABILITY DISCLAIMER FOR LONG-TERM KEG LICENSES**

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to the persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage and liability to others with your legal advisor. The Town of Amherst, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

Signature of Applicant: \_\_\_\_\_

Recommended/Not Recommended: \_\_\_\_\_ / \_\_\_\_\_  
Police Chief Date

Licensing Authority Approval: \_\_\_\_\_ / \_\_\_\_\_  
Date

## KEG LICENSING BYLAW

Approved by Town Meeting on May 21, 1991

### SECTION 1. PURPOSE

To protect the health, safety and welfare of its inhabitants, this by-law shall permit the Town of Amherst to regulate the possession of kegs containing malt beverages, and the dispensing of malt beverages from kegs.

### SECTION 2. DEFINITIONS

1. Licensee: any person, club, partnership, corporation or other entity licensed under the provisions of M.G.L. c. 138 to sell alcoholic beverages, including malt beverages.
2. Licensed Establishment: a retail establishment holding a license pursuant to M.G.L. c. 138 section 15 which sells alcoholic beverages for consumption off of the premises; and an establishment licensed pursuant to M.G.L. c. 138 section 12 which sells alcoholic beverages to be consumed on the premises.
3. Licensed Activity: an indoor or outdoor activity or enterprise for which a special license has been issued to a responsible manager, pursuant to M.G.L. c. 138 section 14.
4. Alcoholic Beverages: all liquids intended for human consumption as a beverage which contain one half of one per cent or more of alcohol by volume at sixty degrees Fahrenheit, including malt beverages.
5. Malt Beverages: all alcoholic beverages manufactured or produced by the process of brewing or fermentation of malt, with or without cereal grains of fermentable sugars, or of hops, and containing not more than twelve percent of alcohol by weight, including beer.
6. Keg: any metal, wooden, plastic, paper or other container designed to hold five and one-half (5.5) or more gallons of liquid and actually containing any amount of a malt beverage.
7. Person: an individual, firm, association, partnership, corporation or other combination of persons, and their agents, servants, employees, stockholders, officers or other person or any subsidiary whatsoever.
8. Sale: any transfer or exchange of alcoholic beverages in any manner or by any means whatsoever for direct or indirect consideration.
9. Dispense: to transfer or exchange alcoholic beverages, including pouring and the providing of access to such beverages, whether or not for monetary consideration.
10. Keg License: a special license issued by the Board of Selectmen of the Town of Amherst to permit the possession of malt beverage in a keg, and the dispensing of malt beverages from kegs, within the Town of Amherst.

### SECTION 3. REQUIREMENT OF LICENSE FOR KEG POSSESSION

1. The Board of Selectmen of the Town of Amherst is authorized to issue keg licenses for the possession and dispensing of malt beverages in kegs within the Town of Amherst. The terms and conditions and fees for licenses granted under this section shall be determined by the Board of Selectmen, as the licensing authority pursuant to this by-law.
2. A keg license shall be required for the possession of a keg containing a malt beverage, and for the dispensing of a malt beverage from a keg, at any place other than a licensed establishment or a licensed activity.
3. A separate keg license shall not be required if the establishment or activity at which malt beverages will be dispensed is licensed pursuant to M.G.L. c. 138.

### SECTION 4. PROHIBITION

Within the Town of Amherst, it shall be unlawful for any person other than a licensee at a licensed establishment or activity to sell or dispense a malt beverage from a keg, or to otherwise possess a keg, unless such person has been issued a valid keg license.

### SECTION 5. ENFORCEMENT

This by-law shall be enforced by criminal complaint in the District Court. In the alternative, it may be enforced by the noncriminal disposition process of M.G.L. c. 40 section 21D. For the purpose of noncriminal enforcement, the enforcing persons shall be police officers for the Town of Amherst.

### SECTION 6. PENALTIES

Any person who violates Section 4 shall be fined in the amount of \$200 for a first offense and \$300 for a second or subsequent offense.

#### SECTION 7. SEVERABILITY

If any section or provision of this by-law is held to be invalid or unenforceable, such invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this by-law, which shall remain in full force or effect.